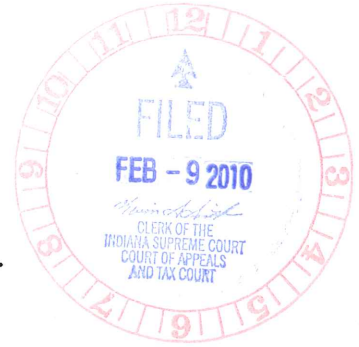


In the  
**Indiana Supreme Court**



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DERIVATIVE LITIGATION

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Supreme Court Cause No.  
94S00-0911-CQ-508

U.S. District Court, S.D.N.Y.  
Case No. 07-CV-2878 (CS)

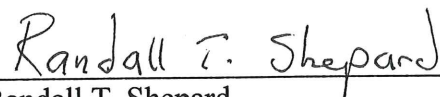
ORDER REGARDING ORAL ARGUMENT PROCEDURE

This matter, which arises from a certified question from the United States District Court for the Southern District of New York, is set for oral argument at 9 a.m. on February 25, 2010. In our oral arguments held in connection with certified questions arising from district courts, the plaintiff traditionally has argued first with an opportunity to reserve time for rebuttal, and the defendant has argued second. Before us now is a filing, entitled "Suggestion of Special Litigation Committee on Order of Proceeding at Oral Argument," in which the party who would traditionally argue second at the oral argument of this matter, namely the Special Litigation Committee, asks, instead, that it be allowed to argue first (with an opportunity for rebuttal at the end). In response, the Plaintiffs state they are not opposed to the Special Litigation Committee's request.

Having considered the parties' submissions and being duly advised, the Court GRANTS the Special Litigation Committee's request. At the oral argument of this matter, the Special Litigation Committee's counsel shall be seated at the counsel table traditionally occupied by the appellant's counsel and shall argue first (with the opportunity to reserve time for rebuttal if counsel should so choose), and the Plaintiffs' counsel shall be seated at the counsel table traditionally occupied by the appellee's counsel and shall argue second.

The Clerk is directed to send a copy of this order to the Hon. Cathy Seibel, United States District Judge; to J. Michael McMahon, Clerk of the U.S. District Court for the Southern District of New York; to Robert L. Harwood and Samuel K. Rosen; to Laurence D. Paskowitz; to Joseph H. Weis, James E. Tullman, and David C. Katz; to Samuel R. Simon; to Judith Spanier and Orin Kurtz; to Roy Jacobs; to Jules Brody; to Paul C. Curnin and David Elbaum; to Susan E. Brune and Melissa S. Dassori; and to David G. Januszewski. The Clerk is also directed to post this order to the Court's website.

Done at Indianapolis, Indiana, this 9<sup>th</sup> day of February, 2010.

  
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Randall T. Shepard  
Chief Justice of Indiana